

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TENNESSEE

United States of America)
v.) Case No. 4:09-cr-12
[Joe B. Russell, Sr.]) USM No. _____
)

Date of Previous Judgment: November 5, 2010

Defendant's Attorney: Jonathan Moffatt

**ORDER FOR SENTENCE REDUCTION PURSUANT TO SECTION 404
OF THE FIRST STEP ACT OF 2018**

Upon motion of the defendant the Director of the Bureau of Prisons the attorney for the Government the Court for a reduction in the term of imprisonment based on a statutory penalty range that has been subsequently lowered and made retroactive by Section 404 of First Step Act of 2018 (Public Law 115-391, 132 Stat. 5194, 5222), and having considered such motion,

IT IS ORDERED that the motion (Docs. 87, 89, 90, 91, 92, 94, 103, 105) is:

DENIED.

GRANTED.

Additionally, Defendant's motion for a status update (Doc. 102) and motion to appoint counsel in connection with his eligibility for a sentence reduction under the First Step Act (Doc. 86) are **DENIED AS MOOT**.

Defendant Joe B. Russell, Jr.'s guidelines range has not changed since his sentencing. (*See* Doc. 94.) United States District Judge Harry S. Mattice, Jr. considered the factors set forth in § 3553(a) and sentenced Defendant to the bottom of the guidelines range. The Court declines to effectively grant Defendant a variance by reducing his sentence now.

Finally, the Court has considered Defendant's arguments that the Court should grant him compassionate release due to two "extraordinary and compelling reasons": the "unjust" length of his sentence and the COVID-19 pandemic. (*See* Doc. 105, at 2; *see also generally id.*) These arguments fail. A sentence at the bottom of Defendant's guidelines range does not amount to an "extraordinary and compelling reason" for compassionate release. *See* 18 U.S.C. § 3582(c)(1)(A). Similarly, Defendant has not offered an extraordinary and compelling reason that he should receive compassionate relief because of the COVID-19, nor even specified how COVID-19 poses a higher risk to him than to other inmates. The Court finds that Defendant has not shown that he meets the requirements for compassionate release under 18 U.S.C. § 3582(c)(1)(A).

IT IS SO ORDERED.

Order Date: April 16, 2020

/s/ Travis R. McDonough

Judge's Signature

Effective Date: _____
(*if different from order date*)

Travis R. McDonough, U.S. District Judge
Printed name and title